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ESSEX COUNTY CORRECTIONAL FACILITY
AND SHERIFF'S DEPARTMENT

CASE NO. 02-ECSD-H-012

INTERVIEW OF: JULIO LUPO

CONDUCTED BY: MICHAEL J. ROCHE,
Internal Affairs Investigator

DATE: JANUARY 2, 2003

1 want to cook anymore so Paul made him a
2 pot man, dish room man, all-around man,
3 and to work the line, clean bathrooms,
4 that was his new job. So I said, Fine.
5 I was very confused why Christoforo just
6 left like that.

7 So as the day went on,
8 around nine o'clock him and Inmate Smith
9 were using obscene languages, trying to,
10 um, the line to get rowdy and a possible
11 breakdown on work. So I went over to
12 them and I told them just to be quiet,
13 please, and when I walked away, again
14 with the abusive language all over again
15 starting. And I went back and tapped
16 him on his ear, you know, just like that

17 --

18 Q. To -- who did you tap on the ear?

19 A. I tapped Joe Christoforo on his ear with
20 my hand and told him be quiet and we
21 continued to work, they continued to
22 work. Got the line done. At 10:30 they
23 went to the dining room, they ate their
24 lunch. I was in staff (inaudible) food

1 Christoforo he's gonna clean toilets?
2 A. No, I didn't tell Christoforo to clean
3 toilets, I think Mr. Paul Wolzack told
4 him he was gonna clean the toilets.
5 Deputy McCoy wants one person to, um,
6 one person working every shift to clean
7 the toilets in the inmate's bathroom.
8 And Paul Wolzack stated to all of them
9 that every person will have a chance to
10 clean the toilet.

11 Q. Hmm.

12 A. You know, instead of you doing it all
13 the time everybody else will --
14 everybody will have a chance of doing
15 it.

16 Q. Yeah. So you admit that you, what,
17 tapped him on the head --

18 A. Yes.

19 Q. -- with a fist or with a backhand --

20 A. No, with an open hand.

21 Q. With an open hand?

22 MR. ROBINSON: Was he
23 standing or sitting?

24 A. Standing. (inaudible) just like that

1 (inaudible) just like that.

2 Q. All right. Are you supposed to lay
3 hands on inmates?

4 A. No. No (inaudible).

5 Q. All right. The officer did go to the,
6 up to the infirmary --

7 MR. ROBINSON: The inmate.

8 Q. The inmate, I'm sorry. And they said
9 that he did have a bruise on his ear and
10 so forth and there's a medical report on
11 it, said that he was -- it appeared that
12 he had been struck or the injuries were
13 consistent with some sort of trauma to
14 the side of his head. Okay? How hard
15 would you say you hit him?

16 A. Not hard at all, actually. I would say,
17 you know, it was more like -- just a tap
18 with my hand.

19 Q. Okay. Were you in the habit of doing
20 that?

21 A. No, I'm not.

22 Q. Okay.

23 MR. ROBINSON: Were you
24 standing or sitting?

1 A. Standing.

2 Q. And he was facing you?

3 A. No, he was facing, just like I'm facing
4 you.

5 Q. Okay.

6 A. I came up on the side of him --

7 Q. And what hand did you use?

8 A. My right hand.

9 Q. Your right hand. And you hit him a
10 backhand or like -- on me, how did you
11 hit him?

12 A. Just like if I went up, I was like
13 this --

14 Q. Yeah.

15 A. -- and I went like that.

16 Q. Just like this? You were standing like
17 side and side?

18 A. Side and side and I went just like that.

19 Q. Okay. All right.

20 A. You know, swing my arm and smack him in
21 the head.

22 Q. Right. Okay.

23 MR. ROCHE: Anything else?

24 MR. ROBINSON: (inaudible)

1 the Christoforo complaint.

2 Q. So basically that's it. You do admit,
3 sort of, tapping him on the side of the
4 head --

5 A. Yeah.

6 Q. -- and how long did you say that he
7 worked for you?

8 A. In the kitchen?

9 Q. Yeah, Christoforo.

10 A. Ooh, ah, he probably worked in the
11 kitchen I'm saying, I'm not exactly,
12 probably five months. He used to work
13 on the second shift.

14 Q. Okay.

15 A. For probably two months or maybe three
16 months on the second shift and then he
17 came to the first shift.

18 MR. MURPHY: So you work the
19 first shift?

20 A. Yes.

21 Q. And three months did he ask to come down
22 and work with you or did an opening
23 occur?

24 A. He got in an argument with Officer

1 you ever tell Christoforo that you hated
2 niggers?

3 A. No, never.

4 Q. Okay. You never said that, I hate
5 niggers?

6 A. No.

7 Q. Okay. Okay. What do you make of this?
8 This -- these allegations that he's
9 saying, how do you explain that?

10 A. The allegations of me hitting him,
11 yes --

12 Q. Okay.

13 A. -- I did. And the allegations of him
14 saying that I threw food at him,
15 throwing food at him, and the sexual
16 harassment and him putting his hands in
17 my pocket, he puts his hands in my back
18 pocket to get gloves out just like every
19 other inmate does, the correctional
20 cooks do. And the other allegations are
21 all facetious. Throwing food at him,
22 you know, passing the boxes of food --

23 Q. Right.

24 A. -- it's not throwing them at him, we're